IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Crl.Rev.Pet.No. 1376 of 2003()

CRA.146/1999 of ADDL.SESSIONS COURT, KOTTAYAM
CC.29/1998 of JUDL. MAGISTRATE OF FIRST CLASS-II(MOBILE), KOTTAYAM

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REVN. PETITIONER/APPELLANT/ACCUSED:

R.SASI, PROPRIETOR, KISSAN AGENCIES
KALLAPPURACKAL HOUSE (KANAKARIL), VELLOOR P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.K.GOPALAKRISHNA KURUP
SRI.S.MANU

RESPONDENTS/RESPONDENT/COMPLAINANT AND STATE:

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1. M/S.HARITHABANDHU, TRIO CHAMBERS,
KANJIKKUZHY, KOTTAYAM, REPRESENTED BY ITS
MANAGING PARTNER, T.M.MATHEW, THADATHIL HOUSE,
MANARCAD P.O., KOTTAYAM.

2. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR BREEZE A.S
ADV. SRI.PHILIP MATHAI
SRI.R.MURALEEKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

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Crl.R.P.1376 OF 2003

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Dated this the 27th Day of February, 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of Negotiable Instruments Act and sentenced to pay a fine of Rs.16,000/- and in default to undergo simple imprisonment for one month. It is also directed that the fine amount if recovered shall be paid to PW1 as compensation under Section 357(1) Cr.P.C. The contention of the revision petitioner is that the imposition of fine of Rs.16,000/- is beyond the jurisdiction of the Judicial First Class Magistrate Court-II, Kottayam. Evidently at the time, that is, on 31.05.1999, when the sentence was imposed by the JFCM he had no jurisdiction to impose fine of Rs.16,000/-.

2. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.16,000/- to the complainant under Section 357(3) of Cr.P.C and in default, to undergo simple imprisonment for one month.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE

dvs